

**TOWN OF MORRILL, MAINE
PLANNINGBOARD**

**DECISION REGARDING
CENTRAL MAINE POWERCOMPANY'S APPLICATION FOR
ELECTRIC TRANSMISSION LINE WORK**

Procedural Background

On May 22, 2009, Central Maine Power Company submitted an application to the Morrill Planning Board for approval of a new transmission line in areas governed by the Town's shoreland zoning ordinance. The proposed work involved installing a new 115 kV transmission line (Section 254) on wooden H-frame structures, typically 75-feet above ground. The new line would be placed on the northwest side of the existing right-of-way, adjacent to the existing 345 kV transmission line. There would be clearing in some portions of the existing right-of-way. The Board considered the application at two meetings: on June 24, 2009, which included a public hearing, and on July 7, 2009. Notice of the public hearing was mailed to abutters and published in the Bangor Daily News. On August 7, 2009, the Planning Board approved CMP's application.

On October 19, 2009, CMP notified the Planning Board Chair that ISO-New England had directed CMP to redesign the proposed transmission line and that new information would be provided to the Board as soon as possible.

On March 10, 2010, CMP submitted to the Planning Board Chair a request for a permit amendment to reflect the design changes in the project. These changes included the use of shorter structures, moving the transmission line 10 feet closer to the center of the corridor and relocation of structures and temporary access ways to accommodate the new design. The changes did not alter the shoreland zoning districts affected or the number of structures proposed in these districts. With its request for a permit amendment CMP submitted a document describing these changes and their significance in relation to the terms of the shoreland zoning ordinance then in effect. (See "Changes to the Proposed Maine Power Reliability Program in Morrill Resulting from the Redesign of Transmission Line Section 254," March 2010.)

On June 2, 2010 a CMP representative met with the Planning Board to discuss the project design changes and the request for a permit amendment. At that meeting, the Board indicated that the Town had adopted a new shoreland zoning ordinance at its annual Town Meeting to bring the local ordinance into compliance with the latest state guidelines. CMP and the Board agreed to postpone the permit amendment to determine whether CMP should seek approval for the project under the new ordinance.

The Town Clerk verified that a new shoreland Zoning Ordinance – the most recent State of Maine Guidelines for Municipal Shoreland Zoning Ordinances - was adopted at the annual Town Meeting on March 20, 2010. The Town Clerk verified that notice of adoption of the new ordinance was sent to DEP near the time of adoption, and followed later by submittal the new ordinance to DEP. A revised shoreland zoning map was not adopted at the March 20th Town Meeting and the current shoreland zoning map remains in effect until a revised map is adopted by the Town.

On June 25, 2010, CMP submitted an amended application to the Planning Board for approval of the proposed transmission line under the Town's current shoreland zoning ordinance. The amended

application updated CMP's original May 2009 application in its entirety. The Planning Board considered the amended application at a meeting on July 6, 2010.

Findings of Fact

The Planning Board adopts as findings the factual information contained in the amended application and its accompanying materials and related submissions.

Conclusions of Law

The Planning Board adopts the conclusions contained in the amended application and its accompanying materials with respect to the shoreland zoning land use standards and approval standards.

CONCLUSION

Based on the foregoing, CMP's application is APPROVED, subject to the following conditions:

1. This permit shall not take effect until CMP has obtained the following state and federal permits required for this project: Maine PUC Certificate of Public Convenience and Necessity, Maine DEP Site Location of Development Law, Maine DEP Natural Resources Protection Act, and Army Corps of Engineers § 404 Clean Water Act. CMP shall promptly submit copies of such permits to the Town, and the date of such submission shall be considered this permit's effective date and the "date of issuance" as that term is used in Section 16(F) of the Ordinance.
2. If no substantial start on construction is made within one year of the date of this permit, the permit shall expire. Due to the nature and scope of the MPRP project, the Board recognizes that a one-year timeline to begin construction of that portion of the MPRP in the Town of Morrill may not be achievable. Therefore, the Board orders that, to expedite review, if no substantial start has been made within the first year after the effective date of this permit, this permit shall be extended for one additional year, provided that CMP submits a letter to the Planning Board at least 30 days prior to the initial expiration of this permit certifying that all information contained in its application and presented to the Board is still materially correct and complete.

Any person aggrieved by this decision may appeal by filing a written notice of appeal to the Board of Appeals within 30 days of the date of the Planning Board's decision.

All concurring.

DATED: July 6, 2010

Lucky Skidgel Sr.
Chair

Susan N. Greeley

Lyn Dooler